



3624

Attorney's Docket No. 023895/257905

PATENT #21
11/2/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Christopher S. Weber
Appl. No.: 09/502,490
Filed: February 11, 2000
For: SYSTEM FOR RADIO TRANSMISSION
OF REAL-TIME AIRLINE FLIGHT INFORMATION

Confirmation No.: 5232
Group Art Unit: 3624
Examiner: S. Karmis

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JAN 06 2004
GROUP 3600

RESPONSE TO OFFICE ACTION

This paper is filed in response to the Office Action dated September 29, 2003. Applicant appreciates the Examiner's ongoing thorough examination of the application as evidenced by the Office Action. In response to the Office Action, Applicant has not amended the claims, as Applicant believes the claims as currently presented are patentable over the cited references. In light of the remarks below, Applicant respectfully submits that the claims are in condition for immediate allowance.

I. Request for Telephonic Interview

Applicant's counsel hereby requests a telephonic interview after the Examiner has had an opportunity to review the remarks provided below. Such an interview would be brief and would focus only on the current rejections and cite references. Applicant's counsel Kevin Ransom can be reached at 704-444-1017. Applicant has submitted a formal interview request with this Response.

II. Rejections

The Office Action rejects all of the claims under 35 U.S.C. § 103(a) as unpatentable in light of the combination of US Patent No. 5,913,912 to Nishimura and US Patent No. 5,652,785 to Richardson, Jr. et al. With regard to Claim 11, the Office Action alleges that all aspects of the

claimed invention are disclosed in the '912 Nishimura patent, except for radio broadcasting a standardized opening message to the customer. For this reason, the Office Action cites the '785 Richardson, Jr. patent, which the Office Action alleges discloses use of an audio message to welcome users. Further, the Office Action alleges that there is sufficient motivation to combine the references, as the '785 Richardson, Jr. patent teaches radio broadcasting stored information such as airline flight information similar to the flight strip management method taught by the '912 Nishimura patent. Applicant respectfully disagrees with these rejections.

III. The Claims Are Patentable.

As background, the present invention discloses a system that downloads flight information from a computerized reservation system. The system assimilates that flight information, such as departure and arrival information, converts the data into audible format, sorts the flight information into a desired sequence, and broadcasts the data via RF in a geographic area surrounding an airport. The information is received by a user's radio and thereby provides them with flight information prior to arrival and parking at the airport. Importantly, independent Claim 11 recites among other things: 1) retrieving flight information; 2) sorting the flight information into a desired sequence; 3) radio broadcasting sequenced flight information; 4) radio broadcasting a standardized opening message; 5) determining an end program sequence termination request; and 6) verifying that the flight information is current before broadcasting.

Applicant respectfully submits that the '912 Nishimura patent nowhere teaches or suggests sorting flight information into a desired sequence, radio broadcasting the flight information, or determining an end program sequence termination request as is recited in independent Claim 11 of the patent application. Specifically, Applicant agrees that the '912 Nishimura patent does disclose storage of certain types of information related to aircraft, however, it nowhere teaches or suggests RF broadcasting this information. This information is only disclosed as being provided to the monitor of the air-traffic operator. The portions of the '912 Nishimura patent cited by the Examiner concerning transmission of radio broadcast signals in no way discloses transmission of sequenced flight information. Instead this section, namely

col. 12, line 53 thru col. 13, line 11, only discloses an air traffic operator carrying on voice communications with aircraft using RF transmissions.

Specifically, the '912 Nishimura patent states:

In addition, flight strips compilation and updating unit 22d reads the position information and condition information of aircraft P1 from flight strips management database 23a, reads the map information from map information database 23b, and communicates these to information display unit 24d. The position information of aircraft P1 is displayed on position information unit 24d (step 403). The operator can ascertain the position of the aircraft from the screen. Thereupon, the operator designates the aircraft with which he wishes to communicate, using information input unit 25.

When this is done, network connection unit 27 allocates a radio frequency to the aircraft with which communication is desired. When a radio frequency is allocated, and communication with the aircraft P1 becomes possible, this is displayed on the screen of information display unit 24d (see FIG. 18, step 404).

When communication has become possible, information notification unit 28 transmits the voice of the operator by the allocated radio frequency (step 405). For example, communication with aircraft P1 during boarding is performed using a microphone etc as information notification unit 28.

Thus, with this fourth embodiment, the flight strips management device 20d can transmit the operator's voice to an aircraft 29 with which communication is desired. The operator can therefore perform airport management smoothly.

This excerpt from the '912 Nishimura patent plainly illustrates that the flight information discussed in other parts of the disclosure is not provided to the aircraft. Instead, it is provided to the operator via a display. There is no mention at all of providing this information to the aircraft via RF broadcast. The only mention of use of RF broadcasting is disclosure relating verbal communications between the air-traffic operator and the pilot of the aircraft. The '912 Nishimura patent does not disclose what communications occur between the air-traffic operator and the pilot. In fact, the communications occur during boarding of the aircraft, and as such, it is not readily apparent that the air-traffic operator and pilot are even discussing flight information.

Even if it could be argued that the air-traffic operator and pilot are discussing flight information in the '912 Nishimura patent, the '912 Nishimura patent still does not disclose the following recitations of the independent Claim 11:

- sorting the flight information into a desired sequence;
- radio broadcasting sequenced flight information;
- radio broadcasting a standardized opening message; and
- determining an end program sequence termination request

Specifically, even if the air-traffic operator and pilot discuss flight information over the RF broadcast, there is no teaching or suggestion in the '912 Nishimura patent that the air-traffic operator sorts the flight information into a desired sequence or broadcasts the sequenced flight information. More likely the air-traffic operator and pilot are conducting a question and answer type conversation. Further, as the air-traffic operator is carrying on a conversation with the pilot, the air-traffic operator would have no need or use to determine an end program sequence termination request. As such, the '912 Nishimura patent fails to teach or suggest various recitations of independent Claim 11.

Applicant further submits that combining the '785 Richardson, Jr. patent with the '912 Nishimura patent does not remedy the insufficiencies noted with the '912 Nishimura patent. Specifically, the '785 Richardson, Jr. patent also does not teach or suggest the element of "sorting retrieved flight information into a desired sequence" as is recited in independent Claim 11. As best understood, the '785 Richardson, Jr. patent does not teach or suggest downloading flight information from a reservation system and later transmitting this information. Instead, the '785 Richardson, Jr. patent merely discloses recording audio sounds from a first user, transmitting the audio sound file across a wide area network, and playing the contents of the audio file to another user. As the information received from the first user, stored in the system, transmitted to another file location, and provided to another user is an audio file, there is no "sorting of the retrieved flight information."

While it is true that the '785 Richardson, Jr. patent discloses relay of flight information, it nowhere teaches or suggests that the system gathers the information from a reservation system, converts the data, and sorts the data. Instead, at best, the '785 Richardson, Jr. patent discloses

recording a user's audible recitation of a flight schedule, transmission of the audio file to another user, and replay of the audio file. As the system described in the '785 Richardson patent is merely recording and replaying an audio file saved by a user, it nowhere teaches or suggests "sorting retrieved flight information into a desired sequence" as is recited in independent Claim 11. If there is any sorting of the flight information at all, it is done by the user when recording the audio file, not the system as is recited in independent Claim 11. In other words, the user is recording the data into an audio file in the sequence with which the user wants the data relayed to the other user, the system nowhere sorts the data in the '875 Richardson patent.

In addition, the '785 Richardson patent does not teach or suggest determining an end program sequence termination request as is recited in independent Claim 11. There is nothing in the '785 Richardson patent that discusses the system determining an end of sequence for the recording. Further, as has already been established, the '875 Richardson patent nowhere teaches or suggests broadcasting flight information via RF.

In light of the above, Applicant respectfully submits that independent Claim 11, as well as the claims that depend therefrom, is patentable over the cited references.

CONCLUSION

In light of the remarks presented above, Applicant respectfully submits that the case is now in condition for allowance. It is therefore requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper.

In re: Christopher S. Weber
Appl. No.: 09/502,490
Filed: February 11, 2000
Page 6

However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

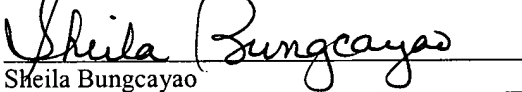


W. Kevin Ransom
Registration No. 45,031

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 23, 2003


Sheila Bungcayao

CLT01/4624944v1



Applicant Initiated Interview Request Form

In re: Christopher S. Weber
Appl. No.: 09/502,490
Filed: February 11, 2000
For: SYSTEM FOR RADIO TRANSMISSION
OF REAL-TIME AIRLINE FLIGHT INFORMATION
Status of Application: Non-Final Rejection

Confirmation No.: 5232
Group Art Unit: 3624
Examiner: S. Karmis

Tentative Participants:

(1) Examiner Karmis (2) Kevin Ransom

Proposed Date and Time of Interview: To be determined by Examiner

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description:

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejections</u>	<u>11-15</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Brief Description of Arguments to be Presented:

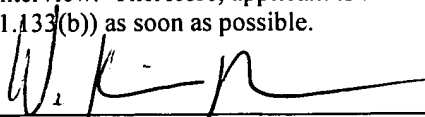
Applicant's counsel wishes to discuss the claims in light of the cited combination of references.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


(Applicant's Representative Signature)
CLT01/4625171v1

(Examiner/SPE Signature)

RECEIVED
JAN 06 2004
GROUP 3600